

LOUISIANA WILD LIFE AND FISHERIES COMMISSION

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P R O C E E D I N G S

BOARD MEETING

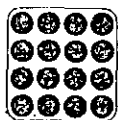
Tuesday, November 18, 1975

10:00 o'clock a.m.

DOYLE G. BERRY
Chairman

Wild Life and Fisheries
Building
400 Royal Street, Room 102
New Orleans, Louisiana

Kathryn G. Chamberlin,
Reporter.



Helen R. Dietrich, inc.
Stenotypists

333 ST. CHARLES AVENUE, SUITE 1221
NEW ORLEANS, LOUISIANA 70130 • (504) 524-4787

P R O C E E D I N G S

. . . . The regular monthly meeting of the Board of Louisiana Wild Life and Fisheries Commission was held on Tuesday, November 18, 1975, commencing at 10:00 o'clock a.m., at the Wild Life and Fisheries Building, 400 Royal Street, Room 102, New Orleans, Louisiana, Doyle G. Berry, Chairman, presiding. . . .

PRESENT WERE:

DOYLE G. BERRY, Chairman

HARVEY C. LUTTRELL, Vice Chairman

MARC DUPUY, JR., Member

JERRY G. JONES, Member

JEAN H. LAPEYRE, Member

JIMMIE THOMPSON, Member

DONALD F. WILLE, Member

J. BURTON ANGELLE, Director

A G E N D A

1. Approval of minutes of September 17 and September 30. (5)

DR. LYLE ST. AMANT

2. Request for renewal of permit to remove fill (5)



material from the Mississippi River at
Mile 116 AHP to Mile 117 AHP near St.
Rose, St. Charles Parish, Louisiana, by
OKC Dredging, Inc.

3. Request for permit to remove fill material (6)
from the Mississippi River in the area
of Levee Station 2691+00, Empire (Trop-
ical Bend), Plaquemines Parish, Louisiana
by H & B Construction Company of La.,
Inc. and B & S Materials, Inc.

MR. RICHARD YANCEY

4. Consideration of agreement to purchase 6,000 (8)
acres, Sunk Lake tract, in Concordia
Parish, Louisiana.
5. Consideration of agreement to purchase 3,064- (24)
acre tract, St. John the Baptist Parish,
adjoining Manchac Wildlife Management
Area.
6. Payment of balance due to Ducks Unlimited - (44)
\$39,903.80.

MR. HARRY SCHAFER

7. Discussion of policy on leasing oyster grounds (47)

MR. KENNETH SMITH



8. Consider recommendations for creel limit on hybrid striped bass. (47)

MR. JOE HERRING

9. Request for drainage right-of-way on Saline Wildlife Management Area. (52)
10. Approval of bids for \$14,697.00 submitted by Merrick Construction Company on Three Rivers Wildlife Management Area. (54)
11. Approval of bids for \$23,910.00 submitted by Edgar M. Williams on Russell Sage Wildlife Management Area. (54)
12. Approval of bids for \$4,800.00 submitted by Merrick Construction Company on Spring Bayou Wildlife Management Area. (54)

OTHER BUSINESS

13. Approval of Rules and Regulations for Louisiana Commercial Fisherman Sales and Use Taxes (Mr. Wayne Vinson). (58)
- Possible future land acquisitions, Pomme de Terre and Spring Bayou Areas. (44)
- Closing of Lake Bistineau to all netting except minnow seines. (50; 60)
- Discussion of water hyacinth problem. (67)
- Set date of December meeting. (75)



THE CHAIRMAN: The meeting will now come to order, please.

I see a few familiar faces out there this morning, nobody that doesn't usually show up here. We are glad to have Mrs. Cook with us this morning.

Our first order of business is approval of the minutes of the September meetings. Do I have a motion?

MR. LUTTRELL: I move that they be approved.

THE CHAIRMAN: Second?

MR. JONES: Second.

THE CHAIRMAN: All in favor, say aye.

IN UNISON: Aye.

THE CHAIRMAN: So ordered.

Dr. St. Amant.

DR. LYLE ST. AMANT: Mr. Chairman and Members of the Commission, we have two items today. The first one is a request for renewal of a permit to remove fill material from the Mississippi River at Mile 116 AHP at St. Rose in St. Charles Parish by OKC Dredging, Inc. This permit has been in



effect and we have had no problems with it. I would recommend that we renew the permit for one year at five cents per cubic yard.

MR. LUTTRELL: So move.

MR. THOMPSON: Second.

DR. ST. AMANT: The second item is a request for a permit to remove fill material from the Mississippi River in the area of the Levee Station 2691 at Empire or Tropical Bend in Plaquemines Parish, by the H & B Construction Company and B & S Materials. We have examined this permit. It meets the requirements of the Commission. We find it would have no effect on the Wild Life and Fisheries' interests, therefore we recommend the permit be granted for one year at five cents a cubic yard.

MR. LUTTRELL: So move.

MR. THOMPSON: Second.

THE CHAIRMAN: Seconded by Jimmie Thompson, moved by Mr. Luttrell. Gentlemen, we will vote on both of these at the same time. All in favor, say aye.

IN UNISON: Aye.



THE CHAIRMAN: Opposed?

(No response)

THE CHAIRMAN: So ordered.

(The full text of the
resolutions is here made
a part of the record.)

BE IT RESOLVED that the
Louisiana Wild Life and Fisheries
Commission does hereby grant per-
mission to OKC DREDGING, INC. to
remove fill material from the
Mississippi River at Mile 116 AHP
to Mile 117 AHP near St. Rose, St.
Charles Parish, Louisiana, the
permit to cover a period of one year
from November 18, 1975 to November 18,
1976, at a royalty rate of five cents
per cubic yard.

BE IT RESOLVED that the
Louisiana Wild Life and Fisheries
Commission does hereby grant per-
mission to H & B CONSTRUCTION COM-
PANY OF LA., INC., and B & S MATERIALS,



INC., A JOINT VENTURE, to remove fill material from the Mississippi River in the area of Levee Station 2691+00, Empire (Tropical Bend), Plaquemines Parish, Louisiana, in the amount of approximately 200,000 cubic yards, the permit to cover for a period of one year from November 18, 1975 to November 18, 1976, at a royalty rate of five cents per cubic yard.

DR. ST. AMANT: Thank you.

THE CHAIRMAN: Mr. Yancey.

MR. RICHARD YANCEY: Mr. Chairman and Members of the Commission, we have received a letter from Mr. Charles Mayer of Shreveport, offering 6,490 acres of land in lower Concordia Parish to the Commission for the price of \$155 per acre. We would like to recommend that the Commission authorize the drafting of an agreement to sell and purchase by our attorney Mr. Peter Duffy and authorize the Director to go ahead and execute this agreement to purchase.

This particular tract of land, as you



can see from this map (indicating), is delineated in red, and it joins on Red River for a distance of about six miles, adjoins the north boundary of the existing Commission-owned Three Rivers Wildlife Management Area for a distance of about four miles.

It has a total of eight lakes on the property, approximately ten miles of winding bayous. It has a very heavy wildlife population on the area at the present time, particularly squirrel, deer, rabbits and a few turkeys. It is subject to annual spring overflow and this is one of the reasons it is one of the best freshwater fishing areas in Louisiana and probably in the South. It has excellent fishing for bass, bream and white perch.

Now it is also extensively utilized by mallards and wood ducks. In the flooded woodlands there are some beaver dams down on the south end of the property that keep some of the woodlands under water pretty well year round and it produces a large number of wood ducks. It is rather heavily used by wintering mallards. Sunk Lake, during the years that it produces a heavy stand of submerged



aquatic vegetation, is very attractive to gadwall and ringnecks, scaup and poule d'eau, and affords some excellent waterfowl hunting.

We don't know of another tract of land in the state that would be any better for the Commission to buy. Actually, we have been trying to get this piece of property for about twenty years as a game management area. During the early years under a lease we never were successful and we continued to talk with the landowners over the years and finally they have decided to go ahead and offer this property to the Commission.

We have had it appraised. It was appraised by J. Russell Doiron, an MAI appraiser out of Baton Rouge, and their selling price is within the appraised value of the property. The reservations on the property would be that the sellers would want to retain their minerals in perpetuity, as has been the case in other recent purchases by the Commission, and also the sellers would want to retain a three-year right to remove cottonwood, willow and sycamore from the property.

Now the property is largely occupied by



overcup oak and bitter pecan, which are the principal game food trees on the property, and all of us know that cottonwood, willow and sycamore do not produce mass that is utilized by wildlife, so this would not hurt game production on the area. The willow, sycamore and cottonwood grow right along the bank of Red River primarily and occupies only a fairly limited percentage of the overall tract, because most of the property is occupied by overcup oak and bitter pecan.

One other animal that is very numerous on this property is this same old alligator that we have got elsewhere in the state in large numbers. There are large numbers of those creatures on this particular tract.

In view of all of this, we would recommend that the Commission authorize the Director to proceed with an agreement to sell and purchase on this property.

THE CHAIRMAN: You have heard the recommendation.

MR. THOMPSON: I so move.

MR. WILLE: Second.



THE CHAIRMAN: Mr. Thompson moves it and Mr. Wille seconds it. Is there any discussion? Gentlemen, you have heard the recommendation, what is your pleasure? All in favor, say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered.

(The full text of the resolution is here made a part of the record.)

WHEREAS, the Louisiana Wild Life and Fisheries Commission is greatly interested in establishing additional wildlife management areas in Louisiana; and

WHEREAS, the Commission initiated a program of land purchase in 1961 to accomplish this purpose and to preserve at least a portion of the state's largely disappearing game ranges in various regions of Louisiana; and

WHEREAS, a certain tract of



land hereinafter particularly described in Exhibit A annexed hereto and made a part hereof, consisting of a total of 6,490 acres, more or less, located in Concordia Parish, Louisiana, has been offered for sale to the Commission for the full and true sum of \$1,005,950.00;

WHEREAS, this tract, if acquired, will make an excellent wildlife management area for waterfowl, furbearing animals, deer, alligators, rabbits and other forms of marsh life; and also will provide additional public hunting and fishing opportunities for sportsmen throughout the State of Louisiana; and

WHEREAS, the acquisition of this property has been carefully considered by the Chairman, the Director, and all members of the Commission, after which consideration, it is the conclusion of all members and the Director that the acquisition thereof will be most favorable and



advantageous to the future welfare of the fish and wildlife as a wildlife management area and that the acquisition thereof would also be mutually beneficial to the State of Louisiana, this Commission, and the citizens and residents of the state;

NOW THEREFORE BE IT RESOLVED that the Louisiana Wild Life and Fisheries Commission purchase from the record owners the following immovable property located in Concordia Parish, State of Louisiana, totaling 6,490 acres, more or less, described in Exhibit A annexed hereto and made a part thereof.

The said sale is to be subject to the following conditions and stipulations:

1. The purchase price of this sale by Sellers to Buyer, its successors and assigns, for the hereinabove described property - Exhibit A -



shall be in the sum of ONE MILLION FIVE THOUSAND NINE HUNDRED FIFTY AND NO/100 (\$1,005,950.00) DOLLARS, payable in cash at the time of the act of sale.

2. Real estate taxes for the year 1976 will be pro-rated to the date of the act of sale. All proper and necessary mortgage and other certificates and tax researches are to be paid by Sellers.
3. The Sellers shall deliver to Buyer good and merchantable title to the property. The decision as to whether Sellers' title to the property is good and merchantable shall rest solely with Buyer based upon title opinions rendered to Buyer by attorneys of its selection, Buyer reserves the right to obtain title insurance on the said property from a title insurance company authorized to do and doing business in the State



of Louisiana. Sellers agree to assist Buyer, its attorneys, or the title insurance company in securing any curative matter which Sellers may be able to obtain in order to satisfy any requirements of any title opinion or interim title insurance binder rendered to Buyer. All curative matter thus obtained shall be the property of Buyer which is hereby authorized after passage of the act of sale to file same for record. Final approval of title shall be at the sole discretion of Buyer, its attorneys, and the title insurance company selected by Buyer, and Buyer shall have the right to waive and forego satisfaction of any requirements of any title opinion rendered by its attorneys or title insurance binder hereunder. In the event that the sale is completed, the Buyer



agrees to pay all title insurance charges.

4. The act of sale is to be passed before Buyer's notary at the State Capitol, Baton Rouge, Louisiana, or such other location as designated by Buyer within the territorial limits of the State of Louisiana 120 days from the date of this agreement, provided that if bona fide curative work in connection with the title is required, the parties agree to and do extend the time for passage of the act of sale by an additional thirty (30) days. The sale shall be with full warranty and full rights of subrogation and substitution and shall be in a form acceptable to Sellers and Buyer. The property shall be delivered free and clear of all liens, encumbrances, taxes (except taxes for the year in which the act of sale is



passed), leases and mortgages (except the encumbrances accepted and agreed to by Buyer).

5. Sellers shall reserve from said sale for itself, its successors, assigns and transferees, in perpetuity, as an imprescriptible mineral servitude, all of the oil, gas, sulphur, salt (including salt brine) and other minerals in, on or under all of the land to be conveyed under the terms hereof, together with the right to explore for, mine, develop and produce any or all of said minerals, and to erect on said lands all buildings, pipelines, machinery and equipment necessary for the development, production and transportation thereof; subject to the right of Buyer to reasonably regulate Seller's activity with respect to the use of the surface of said land. The right to regulate, however, will not be



exercised so as to prevent the full development and production of the minerals thus reserved by Seller. This reservation is made to the full extent permitted under the provisions of LSA-R.S. 31:149 et seq., which are acknowledged by the parties to be applicable. It is understood that there is specifically excluded from the mineral reservation described herein the natural resources of sand, gravel and slag.

6. Should the Buyer decide to sell all or any part of the property herein sold at any time or times from the date hereof, it shall give Sellers written notice thereof; and Sellers shall then have an exclusive right and option for a period of 120 days after receipt of the notice to purchase said property for the same price paid to Sellers by the Buyer, subject to an adjustment



upward or downward with the Wholesale Commodity Index for all commodities published by the United States Department of Labor, Bureau of Labor Statistics, for the period from the date hereof to the date on which the repurchase may be made.

If this particular index is not being published at that time, the parties hereto agree to base the computation upon a similar or substitute index which may then be in use. The notice to be given to Sellers at such post office addresses designated by Sellers by written notice.

7. In the event Buyer fails to comply with this agreement within the time specified, Sellers without formality beyond tender of title to Buyer may declare this agreement null and void, or Sellers may, at their option, demand specific



performance.

8. In the event Sellers fail to comply with this agreement within the time specified, Buyer may, at its option, either declare this agreement null and void or demand specific performance.
9. Occupancy shall be available at the time of the act of sale.
10. This agreement and the sale contemplated hereby is subject to and conditioned upon the approval of the Division of Administration, State of Louisiana.
11. The notices, payments and other matters required hereunto shall be delivered or addressed to the Sellers, c/o Charles L. Mayer, 307 Wall Street, Shreveport, Louisiana 71101. Notices, payments and other matters required hereunto shall be delivered or addressed to Buyer, Attention: J. Burton Angelle,



Director, Louisiana Wild Life and Fisheries Commission, 400 Royal Street, New Orleans, Louisiana, 70130, or at such other address as Buyer may designate by written notice.

12. This agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. Where the terms "Seller" and "Buyer" are used herein, this shall be deemed to include their respective successors and assigns of such parties.

13. A timber reservation in favor of Sellers for a period of three years commencing from the date of the Act of Sale to remove all cottonwood, willow and sycamore timber, together with the right of ingress and egress for the removal of the said timber. Seller agrees that all roads used in the removal of the timber reserve



in the sale agreement will be restored to the condition in which they were prior to the exercise of timber reservation.

BE IT FURTHER RESOLVED that the Chairman and the Director of the Louisiana Wild Life and Fisheries Commission be, and they are hereby appointed, authorized and empowered to act for and on behalf and in the name of this commission to purchase the aforementioned lands, buildings and improvements and appurtenances thereon, to sign any and all necessary deeds and documents and to incorporate and include in the said documents and all additional stipulations, conditions and provisions as they, in their sole discretion, deem to be to the best interest of the Commission.

EXHIBIT "A"

A TRACT OF LAND and improvements thereon situated in Concordia Parish, Louisiana, to wit:



Fractional Sections One (1) to Fifteen (15), inclusive, and Fractional Sections Seventeen (17) to Twenty (20); Fractional Sections Sixty-Five (65), Sixty-Six (66), and Sections Sixty-Seven (67) and Sixty-Eight (68); Fractional Section Sixty-Nine (69), and North Fractional Half of Section Seventy (70); North Half (N-1/2) of Section Seventy-One (71); Northeast Quarter and North Half of Northwest Quarter (NE-1/4 and N-1/2 of NW-1/4), Section Seventy-Two (72); all in Township Two (2) North, Range Eight (8) East; and Fractional Sections Two (2), Three (3), Four (4), Five (5), and Six (6), Township Two (2) North, Range Seven (7) East; containing 6,490 acres, more or less.

MR. YANCEY: We also have a letter from Mr. Frank B. Williams, President of Williams, Inc. here in New Orleans, offering 3,064 acres of land to the Commission over in St. John the Baptist Parish for a price of \$150 per acre.



Now this particular tract adjoins the existing Commission-owned Manchac Wildlife Management Area that was recently established by the purchase of the property from the Schleider Foundation. The Williams tract is delineated in red; the Schleider tract, existing Manchac Wildlife Management Area, is delineated in green.

Here again, this property has already been appraised and the appraised price of the property was \$157.50 per acre. The Williams property joins Highway 51. It is accessible from Highway 51, also from Pass Manchac. There is the Galva Canal that runs down through the heart of the property, which would also serve. It is an old oil company canal that would serve as access for use of the area by the public.

Now this would bring the entire size of the Manchac Wildlife Management Area up to pretty close to 10,000 acres, which is actually the goal that we have on most of these game management areas.

The habitat there is wetland habitat, primarily marsh. It has scattered cypress and tupelo gum trees scattered across it. Fisheries



are primarily freshwater fisheries in there, bass and bream primarily and catfish. It is extensively used by waterfowl. It also has deer, and it will offer a substantial addition to public hunting and fishing opportunities in this particular region of southeastern Louisiana.

Now the reservations here again would be the minerals in perpetuity, and there is a hunting lease outstanding on the property to the Galva Hunting Club, which expires on August 31, 1976. However, this lease can be cancelled in ninety days and presumably this would be done by Williams, Inc. in the event that we proceed with the purchase of the property.

THE CHAIRMAN: It would be about that long before we got it purchased, Dick, if we started now? Wouldn't that thing probably be out of expiration by the time we got it bought?

MR. YANCEY: Yes. I foresee no difficulty with the cancellation of the hunting lease which would be activated by Williams at the time they sign the agreement to sell, or certainly at the time the act of sale is passed.



Now Williams also wants to retain a servitude for a 100-foot wide strip of land adjacent to this I-C railroad track that parallels Highway 51. They want this so that they can get to other property that they have in the area, and certainly that would pose no problem to us. The way this thing is set up now there is a road leading off Highway 51 onto the edge of this property and up to the edge of the Galva Canal.

It would greatly enhance accessibility of the overall tract. It would bring it up to a size where it would more ably meet the needs that we have from the standpoint of public use and it is a high quality marshland-wetland complex that is productive of marsh wildlife, and we would like to recommend here again that the Commission authorize the drafting of an agreement to sell and purchase and execution of that document by the Director.

THE CHAIRMAN: Gentlemen, you have heard the recommendation. Do we have a motion?

MR. DUPUY: Yes, I so move, but before I do, Dick, I understood that the sale price was



\$7 less than the appraised price?

MR. YANCEY: Yes. It is \$150 per acre. Total sales price on this would be \$459,605. Total sales price on the other tract I didn't give you that, on the Sunk Lake tract, would be \$1,005,950. Those two together would amount to approximately \$1.5 million.

Now Mr. Berry yesterday wanted a rundown on the status of the acquisition program for this year. We were allocated \$3 million by the legislature this year for land acquisition out of the Marsh Island Fund, so this will allocate \$1.5 million of that \$3 million. However, you have already authorized the purchase of the Grassy Lake tract. That is 11,859 acres up in Avoyelles Parish and the price on that is going to be \$1.54 million, so we have pretty well obligated this year's appropriation with these three acquisitions.

Now, from last year's money, we are still in the process of purchasing the Netherlands tract which adjoins the Salvador Game Management Area out in St. Charles Parish. That is 3,101 acres for a price of \$790,000. The Allums tract up near



Shreveport is 1,015 acres. That lies right in the middle of the Loggy Bayou Wildlife Management Area.

Those five tracts basically are what we will be obligated for at this time, if we can succeed in getting these two agreements to sell and purchase signed by all the sellers now. In the case of the Sunk Lake tract, there are eleven people that own that land, so a lot of signatures have to be obtained there. We have still got to have a lot of work done on it. This would pretty well commit this year's appropriation for land acquisition and we have already obligated all of last year's appropriation.

THE CHAIRMAN: We have a motion by Mr. Dupuy. Do I have a second?

MR. LAPEYRE: Second.

THE CHAIRMAN: Mr. Lapeyre seconds. What is your pleasure, gentlemen? All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Opposed?

(No response)

So ordered.

(The full text of the



resolution is here made
a part of the record.)

WHEREAS, the Louisiana Wild
Life and Fisheries Commission is
greatly interested in establishing
additional wildlife management areas
in Louisiana; and

WHEREAS, the Commission
initiated a program of land purchase
in 1961 to accomplish this purpose and
to preserve at least a portion of the
state's largely disappearing game ranges
in various regions of Louisiana; and

WHEREAS, a certain tract of
land hereinafter particularly described
in Exhibit A annexed hereto and made a
part hereof, consisting of a total of
3,064.03 acres more or less, located
in St. John the Baptist Parish,
Louisiana, has been offered for sale
to the Commission for the full and
true sum of \$459,605,

WHEREAS, this tract, if



acquired, will make an excellent wildlife management area for waterfowl, furbearing animals, deer, alligators, rabbits and other forms of marsh life; and also will provide additional public hunting and fishing opportunities for sportsmen throughout the State of Louisiana; and

WHEREAS, the acquisition of this property has been carefully considered by the Chairman, the Director, and all members of this Commission, after which consideration, it is the conclusion of all members and the Director that the acquisition thereof will be most favorable and advantageous to the future welfare of the fish and wildlife as a wildlife management area and that the acquisition thereof would also be mutually beneficial to the State of Louisiana, this Commission and the citizens and residents of the state,



NOW THEREFORE BE IT RESOLVED
that the Louisiana Wild Life and Fish-
eries Commission purchase from the
record owners the following immovable
property located in Concordia Parish,
State of Louisiana, totaling 3,064.03
acres, more or less, described in
Exhibit A annexed hereto and made a
part hereof.

The said sale is to be subject
to the following conditions and stipula-
tions:

1. The purchase price of this sale
by Sellers to Buyer, its successors
and assigns, for the hereinabove
described property - Exhibit A -
shall be in the sum of FOUR HUNDRED
FIFTY-NINE THOUSAND SIX HUNDRED AND
FIVE AND NO/100 (\$459,605) DOLLARS,
payable in cash at the time of the
act of sale.
2. Real estate taxes for the year 1976
will be pro-rated to the date of the



act of sale. All proper and necessary mortgage and other certificates and tax researches are to be paid by Sellers.

3. Sellers shall deliver to Buyer good and merchantable title to the property. The decision as to whether Sellers' title to the property is good and merchantable shall rest solely with Buyer based upon title opinions rendered to Buyer by attorneys of its selection, Buyer reserves the right to obtain title insurance on the said property from a title insurance company authorized to do and doing business in the State of Louisiana. Sellers agree to assist Buyer, its attorneys, or the title insurance company in securing any curative matter which Sellers may be able to obtain in order to satisfy any requirements of any title opinion or interim title insurance binder



rendered to Buyer. All curative matter thus obtained shall be the property of Buyer which is hereby authorized after passage of the act of sale to file same for record. Final approval of title shall be at the sole discretion of Buyer, its attorneys, and the title insurance company selected by Buyer, and Buyer shall have the right to waive and forego satisfaction of any requirements of any title opinion rendered by its attorneys or title insurance binder hereunder. In the event that the sale is completed, the Buyer agrees to pay all title insurance charges.

4. The act of sale is to be passed before Buyer's notary at the State Capitol, Baton Rouge, Louisiana, or such other location as designated by Buyer within the territorial



limits of the State of Louisiana 120 days from the date of this agreement, provided that if bona fide curative work in connection with the title is required, the parties agree to and do extend the time for passage of the act of sale by an additional thirty (30) days. The sale shall be with full warranty and full rights of subrogation and substitution and shall be in a form acceptable to Sellers and Buyer. The property shall be delivered free and clear of all liens, encumbrances, taxes (except taxes for the year in which the act of sale is passed), leases and mortgages (except the encumbrances accepted and agreed to by Buyer).

5. Sellers shall reserve from said sale for itself, its successors, assigns and transferees, in perpetuity, as an imprescriptible mineral servitude,



all of the oil, gas, sulphur, salt
Including salt brine) and other
minerals in, on or under all of the
land to be conveyed under the terms
hereof, together with the right to
explore for, mine, develop and pro-
duce any or all of said minerals,
and to erect on said lands all
buildings, pipelines, machinery
and equipment necessary for the
development, production and trans-
portation thereof; subject to the
right of Buyer to reasonably
regulate Seller's activity with
respect to the use of the surface
of said land. The right to regu-
late, however, will not be exercised
so as to prevent the full development
and production of the minerals thus
reserved by Seller. This reserva-
tion is made to the full extent
permitted under the provisions of
LSA-R.S. 31:149 et seq., which are



acknowledged by the parties to be applicable. It is understood that there is specifically excluded from the mineral reservation described herein the natural resources of sand, gravel and slag.

6. Should the Buyer decide to sell all or any part of the property herein sold or should Buyer cease to use the property as a game management area or other similar recreational use at any time or times from the date hereof, it shall give Sellers written notice thereof; and Sellers shall then have an exclusive right and option for a period of 120 days after receipt of the notice, to purchase said property for the same price paid to Sellers by the Buyer, subject to an adjustment upward or downward with the Wholesale



Commodity Index for all commodities published by the United States Department of Labor, Bureau of Labor Statistics, for the period from the date hereof to the date on which the repurchase may be made. If this particular index is not being published at that time, the parties hereto agree to base the computation upon a similar or substitute index which may then be in use. The notice to be given to Sellers at such post office addresses designated by Sellers by written notice.

7. In the event Buyer fails to comply with this agreement within the time specified, Sellers without formality beyond tender of title to Buyer may declare this agreement null and void, or Sellers may, at their option, demand specific performance.
8. In the event Sellers fail to comply with this agreement within the time



specified, Buyer may, at its option, either declare this agreement null and void or demand specific performance.

9. Occupany shall be available at the time of the act of sale.
10. This agreement and the sale contemplated hereby is subject to and conditioned upon the approval of the Division of Administration, State of Louisiana.
11. The notices, payments and other matters required hereunto shall be delivered or addressed to the Sellers, c/o Frank B. Williams, Williams, Inc., Whitney Building, New Orleans, Louisiana 70130.
Notices, payments and other matters required hereunto shall be delivered or addressed to Buyer, Attention: J. Burton Angelle, Director, Louisiana Wild Life and Fisheries Commission,



400 Royal Street, New Orleans,
Louisiana, 70130, or at such other
address as Buyer may designate by
written notice.

12. Where the terms "Seller" and "Buyer"
are used herein, this shall be deemed
to include their respective succes-
sors and assigns of such parties.

13. Both Sellers and Buyer shall reserve
and/or grant to each other, as the
case may be, servitudes of passage
through the Galva Canal between
points A and B designated on the
attached plat shaded in red ("the
servitude area") so that each
party shall have the right to navi-
gate recreational boats through the
canal within the servitude area at
any time of day or night without
interference. The servitude area
shall extend 100 feet eastward
from the western edge of the Galva
Canal. Within the servitude area,



either party has the right, at its own expense, to deepen and widen the canal, provided that the canal may not be widened beyond the 100-foot servitude area without the mutual consent of the parties. If either party widens or deepens the Galva Canal along the area owned by the other, it shall have the right to deposit the fill on the land of the other which is adjacent to such work.

14. Sellers shall reserve unto themselves a perpetual servitude of passage, for a roadway, over and along a 100-foot strip of land across the westernmost portion of Tract 2 (adjacent to the Illinois Central Railroad right-of-way), between Tracts A and B of Williams, Inc., with the right to construct thereon a roadway for vehicular traffic and to construct bridges



across all waterways lying therein. The location of the servitude of passage is shaded in blue on Exhibit A.

15. The sale of the property shall be subject to the following existing leases (unless cancelled prior to sale), copies of which have been heretofore transmitted to the Louisiana Wild Life and Fisheries Commission:

- (a) Hunting and campsite lease to Galva Hunting Club, Inc., expiring August 31, 1976.
- (b) Turtle Cove Club - dock facilities - 10-year lease to April 11, 1977.

Note that the lease described in paragraph (a) is cancellable upon 90 days written notice.

16. All rights, ways, servitudes and obligations described in paragraphs above shall inure to the benefit



of and be binding on both parties,
their successors and assigns,

BE IT FURTHER RESOLVED that
the Chairman and the Director of the
Louisiana Wild Life and Fisheries Com-
mission be, and they are hereby appointed,
authorized and empowered to act for and
on behalf and in the name of this Com-
mission to purchase the aforementioned
lands, buildings and improvements and
appurtenances thereon, to sign any and
all necessary deeds and documents and
to incorporate and include in the said
documents and all additional stipulations,
conditions and provisions as they, in their
discretion, deem to be to the best interest
of the Commission.

MR. DUPUY: Dick, before you go, you
might add to the possibilities, if we have money
or if anything happens to fall through, there are
additional properties adjoining the Pomme de Terre
acreage that we just acquired that are ready to be
acquired now. Also I had some landowners owning



property adjoining the Spring Bayou Management Area to offer to sell that additional acreage. If and when we have the money available, there is additional adjoining property, adjoining the management areas, that we can acquire.

MR. LUTTRELL: I believe the property you are talking about on the Pomme de Terre area, the gentleman has requested we perhaps consider that next year, am I right, Dick?

MR. YANCEY: Right. We wouldn't have the money to buy anything else this year.

MR. LUTTRELL: But he himself would prefer that we consider it next year.

MR. YANCEY: Right. We have several real good prospects for acquisition around the state but right now we will have obligated all the available money.

THE CHAIRMAN: Dick, let's go to No. 6.

MR. YANCEY: The statutes provide that ten percent of the basic hunting license revenue is to be utilized for the development and maintenance of waterfowl breeding ground areas, primarily through Ducks Unlimited and, as we all know, we



have already made a partial payment on the sale of the '74-'75 hunting licenses to Ducks Unlimited, amounting to \$125,000 for up until this point.

Now, George Heintzen, our fiscal officer, has advised us that he has now finalized the computation of the available revenue from the sale of these '74-'75 hunting licenses, and a final payment of \$39,903.80 can be made to Ducks, Unlimited at this time for the development and the maintenance of waterfowl breeding ground areas in western Canada, so we would recommend that you authorize the Director to forward this amount to them at this time.

THE CHAIRMAN: Does that take Board action, Dick, or can the Director do that without Board action?

MR. YANCEY: We have always considered it to be necessary to have Board action on this. Maybe we could get our attorney to check on that.

MR. JONES: I so move.

MR. THOMPSON: Second.

THE CHAIRMAN: Moved by Mr. Jones, seconded by Mr. Thompson. All in favor say aye.



IN UNISON: Aye.

THE CHAIRMAN: So ordered.

MR. YANCEY: That would bring the total up to \$164,903.80 for '74-'75. That would be the final allocation.

(The full text of the resolution is here made a part of the record.)

WHEREAS, in accordance with law, R. S. 56:104 E (1), the Louisiana Wild Life and Fisheries Commission has dedicated funds to be granted to Ducks Unlimited, Inc., for the development and preservation of breeding grounds for migratory waterfowl in Canada, and

WHEREAS, these funds will be used to produce ducks and geese that winter in Louisiana,

NOW THEREFORE BE IT RESOLVED that the Louisiana Wild Life and Fisheries Commission does hereby grant to Ducks Unlimited, Inc., a sum of \$39,903.80 as balance payment on the



sale of 1974-75 hunting licenses.

THE CHAIRMAN: Thank you, Dick. Mr. Schafer.

MR. HARRY SCHAFFER: Mr. Chairman, this was not supposed to be on the agenda today. You all asked me to take it off yesterday so that I could mail the proposed policy to the oyster lessees and to the Louisiana Oyster Growers Association.

THE CHAIRMAN: Mr. Schafer, we just scratched you. Thank you. Ken Smith.

MR. KENNETH SMITH: Mr. Chairman and Members of the Commission, in May of this year the Commission stocked 45,000 striped bass, hybrid striped bass fingerlings, in False River in Pointe Coupee Parish. One of the advantages of these fish was supposed to have been that they were more easily caught than were the regular striped bass, and we didn't know that they would be caught in such numbers as they have been recently.

We find that people are taking these fish out of False River now by, well, reportedly by the icebox-ful. We have some definite records that



they have caught quite a few.

Since these fish have a potential of reaching between 15 and 20 pounds and they do not reproduce, we would propose that the same creel limit be placed on the hybrid as is currently in effect on the striped bass, which would be two per day, four possession, and give these fish a chance to grow so they won't be all caught out, because they are thinning those fish pretty rapidly now.

THE CHAIRMAN: Do I hear a motion on that?

MR. WILLE: I so move.

MR. JONES: Second.

THE CHAIRMAN: Moved by Don Wille and seconded by Jerry Jones. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: So ordered.

(The full text of the
resolution is here made
a part of the record.)

WHEREAS, 45,000 hybrid (white
bass - striped bass) bass fingerlings
were stocked in False River, Pointe



Coupee Parish, in May 1975, and

WHEREAS, these fish, though not likely to reproduce, have the potential of reaching 15-20 pounds, feeding primarily on gizzard shad which are very numerous in the lake, and

WHEREAS, these hybrids now average 10 inches in length and are being caught in large numbers by sportfishermen,

THEREFORE BE IT RESOLVED the Louisiana Wild Life and Fisheries Commission hereby imposes the establishment of a statewide two fish daily, four fish possession limit on hybrid bass.

THE CHAIRMAN: Thank you, Kenneth.

MR. THOMPSON: Say, I can't help but say this, but does that apply to Texas, too? The two limit?

MR. WILLE: Mr. Chairman, Kenneth, I need you back up here. Kenneth, you want to go on this Bistineau thing right now and then we will



get it out of the way?

MR. SMITH: If you want to, whatever you want.

MR. WILLE: All right, go ahead and read the resolution, please, if you would.

MR. SMITH: We have a situation on Bistineau in which there is quite a bit of interest in the hybrid bass program up there, there has been, and consequently, the Commission stocked approximately 490,000 of these regular striped bass fingerlings in Bistineau this past spring.

Now, these fish are very susceptible to being taken in netting. About three years ago, Lake D'Arbonne up in Union Parish was closed to netting primarily because too many of these fish were being caught. They have offered something new and extra to these lakes which have a pretty good shad population, which is the primary food item for these stripers.

Now, we have also looked into the amount of commercial fish available in Bistineau. Our 1974 and '75 fish population data shows that there was approximately seven pounds of salable commercial



fish in Bistineau in '74, there was approximately ten pounds in 1975. This is actually too low to support a commercial fishery in the lake.

Now, the best we have been able to determine, most of the netting that takes place up in these fairly sterile lakes has been more on the weekend type netting, you might call it recreational netting, for the freezer. We would have probably come up with this recommendation to the Commission at any rate to close this primarily because of the hybrid that have been stocked.

THE CHAIRMAN: I believe they want you on the phone over there concerning this.

MR. SMITH: O. K.

DIRECTOR ANGELLE: Would you get the phone and get some information; Charlie Hanchey (?) is calling you about this.

MR. SMITH: O. K. I will come on back here after that.

THE CHAIRMAN: We will take about a five-minutes recess here until we get this.

MR. THOMPSON: Oh, let's handle something else.



MR. WILLE: Get Joe Herring up there!

MR. HERRING: I won't take too long, Mr. Chairman. Thank you.

The first thing we have is a drainage problem on our Saline Wildlife Management Area from the construction at Louisiana Highway 28. They have left a berm there that does back some water onto our property, and according to the Corps of Engineers, this can be alleviated by putting in a culvert, and they will do this, provided we give them an easement on the property adjoining there, which is about 75 feet by 35 feet in size.

This is in Section 10, Township 6 North, Range 4 East in LaSalle Parish. I would recommend to the Commission that we grant this so that we can have this culvert put in by the U. S. Corps of Engineers and alleviate this small drainage problem we do have on our Saline Wildlife Management Area.

MR. WILLE: Move.

THE CHAIRMAN: You have heard the recommendation. It has been moved by Mr. Wille.

MR. DUPUY: I will second it.



THE CHAIRMAN: Seconded by Marc. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: So ordered.

(The full text of the resolution is here made a part of the record.)

WHEREAS, personnel of our District IV office has met with representatives of the U. S. Corps of Engineers pertaining to a drainage problem in Section 9, T-6-N, R-4-E, LaSalle Parish, which resulted from the construction of the seepage berms adjacent to Louisiana Highway 28, and

WHEREAS, the Corps has suggested that a culvert be installed in the existing road and that a small drainage ditch be dug to eliminate the problem, and

WHEREAS, the construction of this ditch would require a right-of-way be obtained from the Louisiana



Wild Life and Fisheries Commission in
Section 10, T-6-N, R-4-E, LaSalle
Parish, and

WHEREAS, the right-of-way in
question would be approximately 75
feet long and 35 feet wide,

NOW THEREFORE BE IT RESOLVED
that the Louisiana Wild Life and Fish-
eries Commission grant this right-of-way
to the U. S. Corps of Engineers for the
purpose of installing a culvert and
digging a drainage to eliminate the
drainage problem on Saline Wildlife
Management Area.

MR. HERRING: Thank you, Mr. Chairman.
The next thing, we received bids through the
Louisiana Department of Highways for road repairs
and some of the flood damage this past year on our
Spring Bayou Wildlife Management Area, our Russell
Sage Wildlife Management Area, and our Three Rivers
Wildlife Management Area. This work is done under
OEP or federal funds and according to the bids that
have come in, I will just take all three of them at



once; they are listed as three but they are all by the Highway Department, received at the same time and they are all OEP -- the total bid that was received for the three amounts to \$43,407.

Now, OEP, in their original field trips over here to see how much damage was done after the flood, permitted us \$30,400, so from the bids and what OEP has allotted there, there is \$13,007 difference. Now, after the flood of '73 when this happened, what we could do was reapply after the bids came in to OEP and then they would up their amount to us. We feel like we can do the same thing now. We have had no direct indication from them but we feel like this will be done, and the road work needs to be done.

So, I would recommend to the Commission that we go ahead and accept these bids, contact OEP, notify the Highway Department of our procedure and go ahead with these projects there.

THE CHAIRMAN: Gentlemen, you have heard the recommendation.

MR. LUTTRELL: I move that we go ahead and pay the bill.



MR. DUPUY: I will second that, that you accept the bids --

THE CHAIRMAN: Accept the bids and go back to OEP, subject to OEP approval.

MR. DUPUY: Yes.

THE CHAIRMAN: Motion by Mr. Luttrell, seconded by Mr. Dupuy. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered.

MR. HERRING: That we accept it and go ahead and take the money out of another road work thing that we are going to do. We should do the work and we would hate to lose this \$30,400 money, so we will just have to knock out road work on another area to provide this money, but either way we would have to go ahead and do it.

MR. LUTTRELL: Complete the job.

MR. HERRING: O. K.

(The full text of the resolution is here made a part of the record.)



WHEREAS, bids have been received by the Louisiana Department of Highways for flood damage repairs to roads on: (1) Spring Bayou Wildlife Management Area, (2) Russell Sage Wildlife Management Area, and (3) Three Rivers Wildlife Management Area, and

WHEREAS, this work is to be done under OEP, and

WHEREAS, bids are over OEP allotment in the amount of \$13,007 for the three projects, and

WHEREAS, the \$30,400 allotted will be lost if work is not done, it is recommended that the contracts be awarded and that we reapply to OEP for funds within the bids as we did after the flood of 1973,

NOW THEREFORE BE IT RESOLVED that the Louisiana Wild Life and Fisheries Commission apply to OEP for additional funds, notify the Louisiana Highway Department of this and accept



the bids for work on the three Wildlife Management Areas in the amount of \$43,407.

MR. HERRING: That is all, Mr. Chairman.
Thank you.

THE CHAIRMAN: Thank you, Joe. Mr. Wayne Vinson, other business.

MR. PETER DUFFY: Mr. Vinson isn't here this morning and he has asked me to handle this for him.

THE CHAIRMAN: Mr. Duffy.

MR. DUFFY: Mr. Chairman and Members of the Commission, the 1975 Louisiana legislature has delegated to the Louisiana Wild Life and Fisheries Commission the implementation and enforcement of Act 811, relating to the exemption from the payment of Louisiana sales and use taxes by qualified Louisiana commercial fishermen.

In this particular Act we are authorized and directed to prepare rules and regulations for both the enforcement and implementation of the administrative aspects of dealing with this use and sales tax exemption.

Acting in accordance with this authority,



we have met with the Revenue Department of the State of Louisiana to discuss with them the contents of the Act and also the proposal that was made in the form of regulations, and I received a telephone call this morning to the effect that the current regulations that we have since prepared and had presented to you yesterday have been reviewed by the Department of Revenue and Mr. Traigle approves them in their current form, and with that and because of the urgency of the situation, we would like to have the Commission adopt these proposed regulations at this time and so recommend.

THE CHAIRMAN: You have heard the recommendation.

MR. LAPEYRE: So move.

MR. WILLE: Second.

THE CHAIRMAN: Moved by Mr. Lapeyre and seconded by Mr. Wille. All in favor, say aye.

IN UNISON: Aye.

THE CHAIRMAN: Opposed?

(No response)

Hearing none, so ordered.



(A copy of the "Rules and Procedures for Louisiana Commercial Fishermen Sales and Use Tax Exemption," together with forms of Certificate of Exemption attached, as approved above, are appended hereto and made a part hereof.)

THE CHAIRMAN: Kenneth.

MR. SMITH: What that telephone call was all about, Charles Henke, the biologist up on the lake, had called and informed me that there was a turtle trapping operation up on Bistineau. One fellow up there makes his living pretty well by using a turtle trap made of netting. It is a modified hoop net type thing which he says catches only turtles. I don't think there would be any objection to using that. I think we would want to be sure there was not an enforcement problem involved here, but we would see no objection to allowing people to continue to use turtle traps in that part of the country up there.

MR. JONES: What is he going to do with



the fish in the turtle trap?

MR. SMITH: Well, I wish I had some more information on this, Jerry, as to exactly how this thing was shaped. I talked to Benny really, not to Henke, but that is what the phone call was. There is a guy up there that does catch turtles up there and it is a living he makes, and apparently this is the trap he catches turtles with, I am assuming; I am taking his word for it.

The resolution then, population samples taken in 1974 and 1975 indicate the commercial fish poundage to be seven and ten pounds per acre respectively, this standing crop being too low to support a commercial fishery, the Wild Life and Fisheries Commission hereby closes Lake Bistineau to all netting, you might say except minnow seines and turtle traps. This may be a wording that may want to be considered.

Now I had on here, after talking to Mr. Wille, that we have written down here this action to be effective immediately. This would be up to the Commission's wishes on this. Our main concern is the striped bass fishery. Whenever the



striped bass get large enough to be caught in these nets, it really does kill a lot of these fish, but this would be up to the Commission. Right now the lake is low. They are fishing quite a bit of commercial gear up there, and apparently they are taking quite a few fish from that part of the country, so it is up to the Commission about when this should be effective. It could be immediately or at some future time.

THE CHAIRMAN: Burt, do you want to comment on that?

DIRECTOR ANGELLE: One comment. I think we are going to run into an enforcement problem when you talk about turtle traps, because as I appreciate it, we don't have anything in our laws that defines a turtle trap. So, when you are talking about a turtle trap, what is a turtle trap? I believe you are really giving the enforcement people a wham-banger here when it comes to enforcement because there is nothing in the law books that defines a turtle trap.

I think maybe you can do it by regulation of this Commission for the time being and



hopefully we can define what a turtle trap is during the next legislative session.

THE CHAIRMAN: Chief, would you care to comment on that?

MR. GILLESPIE: We are talking about a net to catch turtles in, a hoop net, this is what you are talking about, Kenneth?

DIRECTOR ANGELLE: He is probably talking about a steel wire trap.

MR. SMITH: They call it a turtle trap but I don't have a good description of it.

MR. GILLESPIE: I don't see how we can possibly close the lake to all commercial fishing and still let them use some type of a hoop net. It is my understanding, I know what these turtle traps are, I have seen them, and really they are hoop nets that they use to catch turtles in in north Louisiana. So, what you would be doing, you would be allowing them to use a hoop net to catch turtles with, and if you are going to catch turtles you are going to catch a lot of trash fish in here I know. Once you bait these for turtles, you are going to catch some catfish and you are also going



to catch some old carp, so this would create an enforcement problem.

MR. DUPUY: Why don't we by regulation make it a turtle trap accessible only by above water, the type of box where the turtle comes in, enters by tilt board from the top; no fish can get in it that way. If you are going to specify or define what a turtle trap, that is the type of turtle trap that would certainly protect fish.

MR. LUTTRELL: I thought the word he used, trap, would take care of that, because a hoop net cannot be a trap.

MR. WILLE: Right. Jimmy, don't you think it would alleviate part of our problem if we just made sure that the people that were going to trap turtles up there registered and we would know who they are?

MR. GILLESPIE: Well, if we are going to allow them to use some type of trap, some type of net, to catch turtles, we are going to have to be able to identify this net as a turtle net and we are going to have to identify the people that have permission to use it.



MR. SMITH: Could I say one more thing?

MR. WILLE: Go ahead, Kenneth.

MR. SMITH: Let me suggest this. Could we go ahead and take whatever action the Commission wants to and then let us take a look at this device up there and come back with a later recommendation as to what might be the best course of action?

MR. WILLE: The main thing I would like to see done right now is to close the netting because they are murdering the fish up there because the lake is so low. They are, you know, just taking gobs of fish out of there by net and there is no way to stop them because the lake is that low.

THE CHAIRMAN: Would you like to offer that in the form of a motion, Mr. Wille?

MR. WILLE: Yes. I will make a motion that we adopt the resolution as written.

MR. YANCEY: You should have some discussion as to what point the agents will start writing tickets, because the way you have your resolution worded now, they will start writing tickets tomorrow and that would not be fair or legal.

MR. WILLE: No, I think we can put in



there a reasonable length of time for them to get their nets out. One week, seven days, something like that.

MR. YANCEY: Well, it should be put in here.

THE CHAIRMAN: How about the first of December?

MR. YANCEY: You have to declare an emergency.

MR. SMITH: If we take action now, we have not followed the Administrative Procedures Act by advertising prior to the action of the Commission. It would have to be declared an emergency, yes, sir.

MR. JONES: Mr. Chairman, I move we declare an emergency and adopt the resolution and that it become effective seven days from today.

THE CHAIRMAN: You have heard the motion. Is there a second?

MR. WILLE: Second.

THE CHAIRMAN: Seconded by Mr. Wille. All in favor, say aye.

IN UNISON: Aye.



THE CHAIRMAN: Opposed?

(No response)

So ordered.

MR. SMITH: November 25, am I right on that? This is the 18th.

THE CHAIRMAN: Yes, sir.

(The full text of the
resolution is here made
a part of the record.)

WHEREAS, 490,000 striped bass
fingerlings were stocked in Lake
Bistineau in the spring of 1975, offer-
ing a considerable potential for
increasing recreational fishing on the
Lake, and

WHEREAS, these fish are very
susceptible to being taken in commercial
netting, and

WHEREAS, population samples taken
in 1974 and 1975 indicate the commercial
fish poundage to be seven and ten pounds
per acre, respectively, this standing
crop being too low to support a



commercial fishery,

THEREFORE BE IT RESOLVED the
Louisiana Wild Life and Fisheries
Commission hereby closes Lake Bistineau
to all netting, except minnow seines.
This action is to be effective November
25, 1975.

THE CHAIRMAN: While you are up here,
Kenneth, I would like to ask you a couple of questions about our water lily problem, particularly down in the south Louisiana area.

I know that you and your men are doing all you could with the equipment you had to do it with, and I have been doing a little thinking about our problem; is there any way we might make a deal with the City of New Orleans or somebody to use these airplanes they spray mosquitoes with, to use their airplanes to spray some of these lilies down in the marsh, to get more coverage and more kill?

MR. SMITH: This may be possible, Mr. Chairman. I know Mr. Jones has suggested possibly some people in his part of the country may have



airplanes.

MR. JONES: You know we looked into that problem and they have a completely different type of nozzles and equipment, and it just would not work. I have talked with these people. Their equipment is not designed to spray the 2-4-D or whatever we use.

MR. SMITH: You need a special nozzle to get this stuff out.

MR. JONES: It would foul up their equipment and they don't want to get involved with that, and I can understand why.

THE CHAIRMAN: Jerry, do you reckon the Commission ought to consider maybe buying an old DC-3? You can buy them around 30 grand, and get a hyacinth control plane for the Commission to use.

MR. JONES: The last time we bought some old airplane -- maybe we can name it Mother III!

THE CHAIRMAN: Well, if that is what it takes, Jerry, to get the water lilies out of these bayous so folks can get up and down, I will just call it Mother IV, I don't care.

MR. LAPEYRE: Mr. Chairman, since the



it seems to me would be the major part of the investment and since there seems to be some possibility that there is some time available with these planes, would it not be possible to supply the equipment at the time that we use them for that purpose?

THE CHAIRMAN: We might lease them.

MR. LAPEYRE: I am not familiar with how it works, but it seems to me the equipment to spread the material is more or less the investment in the airplane.

MR. JONES: Mr. Berry, you know the National Guard has got all those helicopters out there. It seems to me like they could sure get some flying time if they could convert some of those things to spray.

MR. SMITH: Could I point out one more thing, too, gentlemen, that we could have used more herbicide had we had funds to buy more. We could have used probably up to fifty percent more chemical than we did because the money wasn't there to buy it, and if you go to use it at a faster rate, say, with airplanes you put it out at a pretty fast



rate, here again we would need to add the cost of the chemicals on any consideration for equipment we might get, too, because we would need more chemicals for this. This is one of the problems we run into also.

MR. LUTTRELL: The big problem we had a year ago, two years ago, was that the chemical wasn't available even if we had the money.

MR. SMITH: That's right. It has become more available recently and the price has dropped some, but it is still difficult to get enough money approved in the budget to buy what we need to really keep the crews going full time on that.

THE CHAIRMAN: Gentlemen, I am going to talk to General Daigle in the next few days if I can get in touch with him and see if he might go along with us using some of those helicopters to spray with and I will get back to the Director prior to the budget submittal to see if we can't have some money if we are going to need it, have the money for that.

MR. SMITH: We will be most happy to work any way we possibly can because we get these



complaints, you know, they come through the Director and everything, and we just get a bunch of them and there is not a lot we can do about some of these things.

MR. DUPUY: Kenneth and Burt, let me suggest that in the budget for this coming year you double the amount of request for chemicals and add a helicopter necessary to apply, and I can't see where any member of the Budget Committee would really refuse, because every one of the Budget Committee members knows the problem we have, they know we are fighting a losing battle all the time, and if there is anything that we can do that would with the least amount of money improve the most of our property that is already owned by the state and by the Commission, it would be to reopen and restore water bottoms that are covered with water hyacinths.

I think we ought to ask for an aggressive program that would double what we are presently trying to do, and do it with the helicopter and get the helicopter for that purpose.

MR. LUTTRELL: Marc, if I might, I would like to add this idea, and I heartily agree with your



proposition, but let's be certain that when they increase your budget for water hyacinth control, it doesn't mean that they are going to decrease the budget for anything else that we need so badly. We need to emphasize that we are asking for an increase in budget without a corresponding reduction in budget in something else, because we are pretty short in just about anything you want to mention so far as wildlife is concerned.

MR. THOMPSON: We were relieved of \$6.5 million.

MR. LUTTRELL: Well, we are short of that, too, that money.

MR. THOMPSON: You know that just went into the general fund.

THE CHAIRMAN: Kenneth, what about the carp? We were talking about the carp at one time that eat these water lilies up. Have we done any more work on that, gotten anything new on it?

MR. SMITH: Well, frankly, the carp have never really been effective hyacinth-eaters. They nibble on it but they don't control it. Their potential is submerged aquatic vegetation primarily.



The coontail and stuff like that, but they don't control the hyacinths even where they occur in fair numbers. They will eat some but they don't control this emergent plant in the numbers we have them and we are going at it mainly for the underwater stuff, like I say.

We are working with the weevil. Now this is the thing I mentioned at the last Commission meeting which we hope will do some good on those things.

MR. YANCEY: You might explain some of the costs that have been given to you from private helicopter people, an idea of just what the costs are. There have been several we have met with.

MR. SMITH: Yes. We met at one time with one and one of the estimated cost per acre was \$75 per acre. Now we think this is a little high and we think that on a contract basis -- we have some proposed money for contractual spraying of hyacinths next year -- probably on a contractual basis you can get it much lower than that.

MR. YANCEY: How many times a year would the hyacinths have to be sprayed to control them?



THE CHAIRMAN: At least twice.

MR. YANCEY: One application or two?

THE CHAIRMAN: It would take two.

MR. SMITH: I think to get them completely it would probably take two. Some areas in your canals, if you could open your canals up, you could get your smaller boats down in there and get the fringes then that you missed with your first application, but some of your marsh ponds you can't get equipment in there.

MR. YANCEY: Well, the reason I asked you to bring those facts out is that you are not talking about a nickel-and-dime operation.

MR. LUTTRELL: Dick, let me tell you something. I had some experience with the National Guard and they are looking for projects and they will be glad to do your spraying for you if you get with them early, because we have some twelve bulldozers working up in our area that we got that project through General Daigle down here last year, and they are still working. Evidently it doesn't cost a penny. They furnish their own gasoline, their own manpower, they move their own machines



in, they move them out, so if you look at that in your spraying, I think that you could save yourself the cost of buying equipment or renting equipment or leasing equipment, but they need a little time. They need six or eight months to get it set up and get it operating.

THE CHAIRMAN: I will talk to General Daigle about it.

Gentlemen, I would like to set the meeting for the month of December on the 15th because of the holidays. I would also like to ask the Board to meet with the Director in his office after this meeting.

MR. THOMPSON: Mr. Chairman, I move we adjourn.

THE CHAIRMAN: So ordered.

. . . . Thereupon, at 10:50
o'clock a.m., on Tuesday,
November 18, 1975, the meeting
was adjourned. . . .

Kathryn G. Chamberlin,
Reporter.



RULES AND PROCEDURES FOR LOUISIANA COMMERCIAL FISHERMAN
SALES AND USE TAX EXEMPTION

The following rules and administrative procedures are enacted for the orderly enforcement of the provisions of La. Act No. 811 of 1975 relating to the exemption from the payment of Louisiana sales and use taxes by qualified Louisiana commercial fishermen.

DEFINITIONS

Act: When used in these regulations and procedures, the term "Act" refers to Act No. 811 of the Regular Legislative Session of 1975, creating the sales tax exemption in favor of Louisiana commercial fishermen.

Commission: The Louisiana Wildlife and Fisheries Commission, 400 Royal Street, New Orleans, Louisiana which has been delegated the authority to issue regulations to enforce the provisions of the Act.

Louisiana Commercial Fisherman: Any Louisiana resident domiciled in the state who possesses a current commercial fishing license and is an owner-operator of a vessel principally and predominantly used for commercial fishing ventures and whose catch shall be for human consumption.

Owner-Operator: The owner of a vessel or one that is being purchased under a lease purchase arrangement who physically operates or hires an employee to operate the vessel. The rental or leasing without purchase option of a vessel shall not be construed to be included within this classification and is excluded from the provisions of this Act.

Principally and Predominantly: Any percentage of use that exceeds 50 percent.

Human Consumption: That portion of the catch that is consumed by humans directly and is the principal reason for the catch.

Application for Exemption: The official form as revised from time to time issued by Louisiana Wildlife & Fisheries Commission to any person who wishes to apply for and obtain exemption certificates provided for by the Act.

Certificate of Exemption: The official form issued by Louisiana Wildlife & Fisheries Commission without charge to a Louisiana commercial fisherman for the sales tax exemption provided by the Act for each vessel owned by the said fisherman, used by him predominantly for commercial fishing ventures.

Taxes: Louisiana Sale & Use taxes only which:

(1) apply to materials and supplies necessary for repairs to a vessel if they are purchased by a Louisiana commercial fisherman and later become a component part of the vessel;

(2) apply to materials and supplies purchased by a Louisiana commercial fisherman where such materials and supplies are loaded upon a vessel for use or consumption in the maintenance and operation thereof for commercial fishing ventures whether the said vessel is engaged in interstate, foreign or intrastate commerce;

(3) apply to repair services performed for a vessel owned by a Louisiana commercial fisherman whether the said vessel is engaged in intrastate, interstate, or foreign commerce;

(4) apply to the purchase of diesel fuel and lubricant for a vessel owned by the Louisiana commercial fisherman.

RULES AND PROCEDURES

1. All applications for certificates of exemption may be obtained at the office of the Louisiana Wildlife & Fisheries Commission, 400 Royal Street, New Orleans, Louisiana, or at any of its district offices throughout the state.

2. An application so obtained shall be completed, with the applicant furnishing all the information requested, shall be signed and filed with the Louisiana Wildlife & Fisheries Commission, 400 Royal Street, New Orleans, Louisiana.

3. Exemption from the sales and use taxes provided by the Act as defined in these rules and procedures is available for each vessel owned by a Louisiana commercial fisherman and used in commercial fishing.

4. A separate application for each vessel is required to be filed with the Commission, and a separate certificate for exemption shall be issued for each exempted vessel.

5. Upon the receipt of the application, the Louisiana Wildlife & Fisheries Commission shall determine whether or not the applicant is eligible for a tax exemption and upon favorable determination shall issue a certificate of exemption to each qualified Louisiana commercial fisherman for each exempted vessel.

6. The Louisiana Wildlife and Fisheries Commission shall issue blank certificates prepared for the qualified Louisiana commercial fisherman to be completed by him and presented to each vendor by him as his authorization for the tax exemption.

7. Each vendor shall be notified by notation on the exemption certificates that the exemption certificates so presented to him by the qualified Louisiana commercial fisherman must be maintained at the office of the vendor in support for the exempted sales claimed by him on his Louisiana sales tax returns. No tax-free purchases may be made without the certificate of exemption.

8. The blank exemption forms shall be available at the Louisiana Wildlife and Fisheries Commission, 400 Royal Street, New Orleans, Louisiana, and at its district offices and will be furnished with the exemption certificates and upon request.

9. The Louisiana Wildlife & Fisheries Commission may require reasonable substantiation of the application for exemption and may refuse to issue a certificate of exemption to applicants who are determined to be unqualified. The applicants shall be so notified in writing and advised of his right to appeal to the Civil District Court for the Parish of Orleans in accordance with the provisions of the Act.

10. The Louisiana Wildlife & Fisheries Commission will maintain on file at its office at 400 Royal Street, New Orleans, Louisiana, all applications for exemption filed and all certificates of exemption issued to commercial fishermen with all supporting documentation.

11. The certificates of exemption will expire on the same date as the Louisiana Motorboat Registration certificate, unless sooner revoked by law, and must be surrendered to the Louisiana Wildlife & Fisheries Commission promptly if the holder is no longer qualified and entitled to the exemption. At the end of the exemption period, the holder thereof shall surrender same to the Commission for cancellation and must again apply to the Commission for the certificate of exemption in accordance with the rules and procedures herein provided.

12. There shall also be exempt from Louisiana sale and use taxes the purchase of any vessel which the Commission determines will be used principally and predominantly for commercial fishing ventures. The Louisiana commercial fisherman has the burden to demonstrate the vessel's qualification for the exemption.

13. The Commission's determination can be made either before or after the purchase of any vessel in (12) above. In the event the Commission makes the determination that the purchase of the vessel is exempt but the taxes have been paid, the Department of Revenue of the State of Louisiana shall rebate the taxes paid by the Louisiana commercial fisherman upon his presenting to the proper authority within the Department of Revenue a certificate of exemption issued by the Commission. There shall be no rebate allowed on other items, such as operating costs, repairs, or supplies purchased prior to the exemption certificate date.

14. The exclusions provided by the Act and in these rules and administrative procedures apply to sale and use taxes imposed by the State of Louisiana and do not apply to such taxes authorized and levied by any school board, municipality or other local taxing authority.

EXEMPTION
CERTIFICATE
NUMBER

EXPIRATION DATE

CERTIFICATE OF EXEMPTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

This certifies that

Date of Issue:

_____, 19____

Address: _____

is the holder of a valid Louisiana commercial fishing license and is the owner-operator of the Vessel _____

registered as _____ or Documented # _____

which is predominantly and principally used for commercial fishing ventures and that he is entitled to the exemption from Louisiana Sales and Use taxes provided for in Act 811 of the Regular Session of 1975, more particularly described as follows:

(1) Taxes applicable to the purchase of materials and supplies necessary for repairs to the vessel if said materials and supplies so purchased later become a component part of the vessel.

(2) Taxes applicable to the purchase of materials and supplies where such materials and supplies are loaded upon the vessel for use or consumption in the maintenance and operation thereof for commercial fishing ventures. It shall make no difference whether the vessel is engaged in interstate, foreign or intrastate commerce.

(3) Taxes applicable to repair services performed upon the vessel. It shall make no difference whether the vessel is engaged in intrastate, interstate, or foreign commerce.

(4) Taxes applicable to the purchase of diesel fuel and lubricants for the vessel.

Any person who knowingly uses this certificate for a purpose other than that authorized in Act 811 of the Regular Session of 1975, and any person who knowingly participates in the obtaining of or the misusing of the certificate, whether present or absent and whether they directly commit the act constituting this offense, aid and abet in its commission, or directly or indirectly counsel or procure another to commit the crime, shall be subject to a fine of not less than one hundred dollars per offense nor more than one thousand dollars per offense, and imprisonment without hard labor for not less than one day nor more than three months.

This certificate expires sooner than the above expiration date if the holder is no longer qualified for this exemption, and is not transferrable to any other owner-operator or person.

LOUISIANA WILDLIFE & FISHERIES COMMISSION

BY: _____

NOTE: The above expiration date is the same as your boat registration date, and this certificate must be returned to Louisiana Wildlife and Fisheries at that time. You must then reapply for the exemption; and, if you qualify, you will be issued another exemption certificate.

STATE OF LOUISIANA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

CERTIFICATE OF EXEMPTION

COVERING PURCHASES BY LOUISIANA RESIDENTIAL FISHERMEN
WHO ARE OWNER-OPERATORS OF COMMERCIAL FISHING VESSELS
EXEMPT FROM CERTAIN SALES, USE, LEASE, AND SERVICE
TAX UNDER ACT 811 OF 1975, (SECTION 305, 17 OF TABLE
47, OF LOUISIANA REVISED STATUTES OF 1950).

_____, 19____

This certifies that certain materials, goods, merchandise and/or services
purchased by the undersigned from

are:

necessary for repairs to the vessel, and/or will become a component
part of the vessel, or

will be loaded upon the vessel for use or consumption in the
maintenance and operation thereof for commercial fishing ventures, or

diesel fuel and lubricants for the vessel,

and, therefore, exempt from tax as provided above.

EXEMPTION CERTIFICATE NUMBER _____ EXPIRATION DATE _____

(EXEMPTION CERTIFICATE MUST BE PRESENTED
TO THE VENDOR IN ORDER TO OBTAIN EXEMPTION)

The undersigned purchaser further agrees that should the sale to him be
later held subject to the tax, he assumes full liability.

(Signature of Purchaser)

(Address)

Any purchaser who fraudulently signs this Certificate without intent to use
the property or services purchased as above stated shall be subject to all penalties
provided for by Act 9 of the Regular Session of 1948 as amended by Acts 1975, No. 9.

Notice to Vendors:

This form must be retained by you in support of the exempt sales reported
on your Louisiana Sales Tax Returns.

Vessel No. _____